

officer of the State now authorized by law to execute process issuing from the Senate of the State of Texas, or any committee thereof.

Order made by the following vote:

Yea—Senators Avinger, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Hall, Henry, King, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

The defendant, by his counsel, submitted the following application:

In the matter pending on the articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of the State of Texas.

To the President of the Court of Impeachment:

The respondent respectfully asks leave to amend his answer filed on the twenty-third day of April, 1873.

SHEEKS & SNEED, *et al.*,

Counsel for Respondent.

Granted by the following vote:

Yea—Senators Avinger, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Hall, Henry, King, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

On motion of Senator Dohoney, the court adjourned until 11 o'clock A. M., May 7, 1873.

In Senate.

On motion the Senate adjourned until 10 o'clock A. M. to-morrow by the following vote:

Yea—Senators Avinger, Dohoney, Ford, Hall, Henry, Shelley, Swift, Tracy, and Mr. President—9.

Nay—Senators Cole, Finlay, Fountain, Ruby, Sayers, Tendick and Word—7.

SENATE CHAMBER,
AUSTIN, TEXAS, April 24, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Sayers introduced a bill entitled "An act to incorporate the town of McDade, in Bastrop county,

Texas." Read first time, and referred to the Committee on Judiciary No. 2

The following bills were taken from the President's desk, read first time, and referred to the committees indicated:

House bill No. 747, "An act to authorize the County Court of Freestone county to levy and collect a special tax to repair the court house and jail in said county." Referred to the Committee on Finance.

House bill No. 748, "An act to incorporate the Texas and European Beef Company, of Galveston, Texas." Referred to the Committee on State Affairs.

House bill No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax." Referred to Committee on Finance.

House bill No. 749, "An act to authorize the county courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties." Referred to the Committee on Finance.

House bill No. 754, "An act to incorporate the Board of Trustees of the Centreville Academic School." Referred to the Committee on State Affairs.

House bill No. 756, "An act to authorize Denton county to levy a special tax to build a court house." Referred to the Committee on Finance.

Senator Flanagan, chairman of the Committee on Internal Improvements, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 557, a bill to be entitled "An act to incorporate the Brazos Santiago and Rio Grande Canal Company," have had the same under consideration, and I am instructed to report it back to the Senate, and recommend that it do pass.

WEBSTER FLANAGAN, Chairman.

House bill No. 250, "An act to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine River," was read third time and passed by the following vote:

Yea—Senators Avinger, Ball, Cole, Dillard, Ford, Finlay, Flanagan, Franks, Hall, Henry, King, Pyle, Randle, Ruby, Saylor, Shelley, Swift, Tendick, Tracy, Word and Mr President—22.

[April 24, 1873]

House bill No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain counties," was taken up, pending the consideration of which the hour arrived for the special order, viz.:

House bill No. 662, "An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same."

And also Senate bill No. 296, "An act prescribing the times of holding general elections in this State."

On motion of Senator Fountain House bill No. 662 was postponed until Senate bill No. 296 was disposed of.

Senator Shelley proposed to amend section two as follows: In lines seven and eight strike out the words "ninety Representatives and thirty Senators" and insert "Senators and Representatives."

Senator Baker moved a call of the Senate.

Call sustained.

Absent—Senator Gaines.

Senator Flanagan moved that Senator Gaines be excused.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 242, "An act to secure good bonds from public officers."

Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequeath."

Senate bill No. 163, "An act for the relief of Wm. W. Wallace."

Senate bill No. 298, "An act to authorize the judge of the Tenth Judicial District of the State to hold a special term of the district court in and for the county of Anderson in said Tenth Judicial District."

Senate bill, No. 144, "An act to incorporate the Real Estate, Building and Savings Association of Dallas, Texas.

House joint resolution granting leave of absence from the State to J. M. Onins, judge of the Twenty-eighth Judicial District.

Also that the House had agreed to the Senate amendments to House bill No. 123, "An act to provide for

prompt settlement of accounts by sheriffs with the State and counties."

By leave Senator Shelley submitted the following report, which was adopted.

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sirs: Your committee of conference to adjust the matter of difference between the two houses on House bill No. 340, "An act to ascertain the amount due teachers of the public free schools of the State prior to the first of March, 1873, and to provide for the payment of the same," having carefully considered the same, we are instructed to make the following report, viz.: That the Senate recede from its first two amendments to section three, and that the House concur in the Senate amendment to section four.

Your committee further recommend the following amendment: In section four, line seven, strike out the words "to the correctness of such account" and insert the words, "that the services were actually rendered;" also, in same section, line twelve, insert the following words: "*Provided*, that an approved voucher, in accordance with the law now in force, shall be taken as the account herein provided for."

They further recommend that section two be stricken out and the following substituted therefor: SEC. 2. It shall be the duty of the Governor, immediately after the passage of this act, to direct the teachers of the public free schools throughout the State, by proclamation, to forward their claims to the Comptroller for examination, which proclamation shall contain an exact copy of section four of this act for the information of teachers.

N. G. SHELLEY,
Chairman Senate Committee.

FRANK RAINES,
Chairman House Committee.

By leave, Senator Saylor introduced a bill to be entitled "An act to incorporate the Texas Land and Colonization Company." Read first time and referred to Committee on State Affairs.

By leave, Senator Finlay introduced a bill to be entitled "An act to incorporate the Clinton Bridge Company." Read first time and referred to Committee on State Affairs.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz:

Senate bill No. 246, "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870, and to repeal so much of section three of said act as gives an appeal from justices' courts on judgments rendered in cases of forcible entry and detainer."

Joint resolution No. 23, instructing our Senators and requesting our Representatives in Congress to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas.

Senate bill No. 140, "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas."

Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés."

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas."

Senate bill No. 163, "An act for the relief of Wm. W. Wallace."

Senate bill No. —, "An act to authorize the Judge of the Tenth Judicial District to hold a special term of the district court in and for the county of Anderson, in said Tenth District."

HENRY C. KING, Chairman.

Senator King introduced a bill to be entitled "An act to authorize the County Court of Kendall county to levy a special *ad valorem* tax to repair the roads in said county." Read first time and referred to Judiciary Committee No. 1.

On motion of Senator Saylor the rules were suspended to take up out of its order House joint resolution No. 772, granting leave of absence from the State to J. M. Oains, Judge of the Twenty-eighth Judicial District.

Senator Finlay proposed to amend as follows: "Provided, that he shall not be entitled to draw any salary during his absence from the State."

Senator Tendick moved to lay the amendment on the table, which was lost by the following vote:

Yea—Senators Baker, Ford, Flanagan, Fountain, Franks, Hall, Pyle, Ruby, Saylor, Tendick and Tracy—11.

Nay—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift and Word—14.

The question recurring upon the adoption of the amendment offered by Senator Finlay, the same was put, and the Senate refused to adopt the amendment by the following vote:

Yea—Senators Avinger, Ball, Dillard, Dohoney, Finlay, King, Swift and Word—8.

Nay—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Franks, Hall, Henry, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Tendick, and Tracy—18.

On motion of Senator Saylor the rules were further suspended, the resolution read third time and passed by the following vote:

Yea—Senators Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Tracy—23.

Nay—Senators Finlay and Word—2.

Senator Avinger was excused from voting.

Senator Fountain moved to excuse Senator Gaines from attendance on the Senate for to-day. Carried.

The Senate being full, the call was suspended, and the consideration of the election bill again resumed.

Senator Hall offered the following substitute for the amendment offered by Senator Shelley: In section two, line seven, strike out "90," and in line eight strike out "thirty" and insert "ten;" and after "Senators" add "to fill such vacancies as may occur by death, resignation or otherwise."

The Senate refused to adopt the substitute by the following vote:

Yea—Senators Baker, Ford, Fountain, Hall, Latimer, Randle, Ruby and Tracy—8.

Nay—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Franks, Henry, King, Pyle, Saylor, Sayers, Shelley, Swift, Tendick, Word and Mr. President—17.

The question recurring upon the adoption of the amendment, the same was put and adopted by the following vote:

Yea—Senators Avinger, Baker, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Hall, Henry, King, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tendick, Word and Mr. President—20.

Nays—Senators Ball, Ford, Fountain, Franks, Latimer, Ruby and Tracy—7.

Senator Sayers offered the following amendment, viz.: Strike out “August” wherever it occurs and insert “October.” Adopted.

Senator Fountain proposed to amend as follows: “Provided, that the Secretary of State is hereby required to have prepared a proper place of meeting for two Legislatures.”

Senator Dohoney moved to lay the amendment on the table, which was adopted by the following vote:

Yea—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Tendick, Word and Mr. President—18.

Nays—Senators Baker, Ford, Fountain, Hall, Ruby, Saylor and Tracy—7.

The question then being the engrossment of the bill, the same was put and the bill ordered engrossed by the following vote:

Yea—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Henry, King, Latimer, Pyle, Saylor, Sayers, Shelley, Swift, Tendick, Word and Mr. President—19.

Nays—Senators Baker, Ford, Fountain, Hall, Randle, Ruby and Tracy—7.

On motion of Senator Shelley, the rules were suspended and the bill read third time.

Senator Broughton moved that the further consideration of the bill be postponed until 10 o'clock A. M. tomorrow.

The motion to postpone was lost by the following vote:

Yea—Senators Baker, Broughton, Ford, Fountain, Franks, Hall, Pyle, Randle, Ruby, Saylor, Tendick and Tracy—12.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—15.

The question being the final passage of the bill, the same was put and the bill passed by the following vote:

Yea—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Franks, Henry, King, Latimer, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tendick, Word and Mr. President—23.

Nays—Senators Baker, Ford, Hall, Ruby and Tracy

A message was received from the House, informing the Senate that the House had passed Senate bill No. 212, "An act making a new apportionment of the representative and senatorial districts of the State of Texas."

Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," with sundry amendments by the House, was taken up, and the Senate concurred in the second, fourth, fifth, sixth, ninth, fourteenth, sixteenth, seventeenth, twentieth, twenty-first, twenty-second, twenty-fourth and twenty-fifth amendments by the House, and refused to agree to the first, third, seventh, eighth, tenth, eleventh, twelfth, thirteenth, fifteenth, eighteenth, nineteenth and twenty-third, and appointed Senators Dohoney, Finlay, Sayers, Franks and Tracy a committee of conference on the disagreement between the two houses.

Senator Franks, by leave, introduced a bill to incorporate the town of Wharton, in Wharton county. Read first time and referred to the Committee on State Affairs.

On motion of Senator Latimer, the Senate adjourned till 10 o'clock to-morrow by the following vote:

Yea—Senators Baker, Broughton, Cole, Ford, Finlay, Flanagan, Franks, Latimer, Pyle, Swift, Tendick, Tracy and Mr. President—13.

Nays—Senators Avinger, Dillard, Dohoney, Fountain, Henry, King, Sayers, Shelley and Word—9.

SENATE CHAMBER,
AUSTIN, TEXAS, April 25, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Snead.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

By request, Senators Ball and Franks were excused from attendance on the Senate to-day, in order that they might attend a committee.